

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Hollee Saville, Rebecca Swanson, Jean Lang, Erin Rheault, Nikki Geffe, Terrie Boyd, Misty Fisk, Kristi Johnson, Jennifer Lutgen, Joan Finley, and Susan Johnson,

Plaintiffs,

v.

Minnesota Governor Mark Dayton, in his official capacity as the Governor of the State of Minnesota; Minnesota Bureau of Mediation Services; Josh Tilsen, in his official capacity as Commissioner of the Bureau of Mediation Services; Minnesota Department of Human Services; and Lucinda Jesson, in her official capacity as Commissioner of the Minnesota Department of Human Services,

Defendants.

Court File No. 0:13-cv-01281-MJD/AJB

**MOTION FOR PRELIMINARY
INJUNCTION, OR IN THE
ALTERNATIVE, A TEMPORARY
RESTRAINING ORDER**

ORAL ARGUMENT REQUESTED

TO:

Minnesota Governor Mark Dayton
Office of the Governor
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

Minnesota Bureau of Mediation Services
1380 Energy Lane # 2
Saint Paul, Minnesota 55108-5268

Commissioner Josh Tilsen
Minnesota Bureau of Mediation Services
1380 Energy Lane # 2
Saint Paul, Minnesota 55108-5268

Minnesota Department of Human Services
444 Lafayette Road North
Saint Paul, Minnesota 55155

Commissioner Lucinda Jesson
Minnesota Department of Human Services
444 Lafayette Road North
Saint Paul, Minnesota 55155

Attorney General, Lori Swanson
Office of Minnesota Attorney General Lori Swanson
1400 Bremer Tower
445 Minnesota Street
Saint Paul, Minnesota 55101

MOTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure and based upon all pleadings in the file, the affidavits of Tara Adams, Hollee Saville, Susan Johnson, Rebecca Swanson, and Erin Rheault, and the supporting memorandum, and arguments of counsel, Plaintiffs respectfully move the Court for an Order:

1. Granting a preliminary injunction, or in the alternative, a temporary restraining order, enjoining the Defendants and any party working in concert with Defendants from taking any action of any character or nature, whether intentional or unintentional, having the purpose or effect of implementing or enforcing Article I of Minn. Stat. §179A.50-179A.53.

2. Waiving the security under Rule 65(c).

3. Granting all other such other relief as the Court determines is appropriate.

Further, the Plaintiffs hereby respectfully move the Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for a hearing should the Court determine a hearing

on the Motion is necessary. In the instance that the Court should treat this as a temporary restraining order hearing, then the Plaintiffs also move the Court for a preliminary injunction hearing as well.

This Motion is based upon the statute's preemption by federal law and the statute's violation of the Equal Protection Clauses of the Minnesota and United States Constitution. A preliminary injunction, or, in the alternative, a temporary restraining order, is necessary to maintain the status quo and prevent further irreparable harm. The Motion is based upon the pleadings, legal memoranda, and affidavits that are filed with Court, together with the record herein.

Dated: May 30, 2013

By: s/Douglas P. Seaton
Douglas P. Seaton (#127759)
Thomas R. Revnew (#0295620)
Tara Craft Adams (#0332409)
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